

Application No. 10/821,720 for  
Baseball Style Hat with Size Adjustment  
Filed April 9, 2004

### REMARKS/ARGUMENTS

Claims 93-102, and 112-122 are pending in this application. Claims 63-92, 103-111 are cancelled without prejudice.

In response to the Examiner's restriction requirement, Applicant herein elects some claims directed to Species III for further prosecution in this application. The nonelected claims 63-92 and 103-111 are herein cancelled without prejudice.

Notwithstanding the election of Species, Applicant traverses the Examiner's restriction requirement, and further, assert that cancelled claims 70-73, 76, 78, 81-86, 88-92 and 96 are also directed to the subject matter of Species III elected herein for further prosecution in the present application. However, in the interest of continuing prosecution of the present application, Applicant herein cancels these claims without prejudice.

Respectfully submitted,

Jackson & Co., LLP

Dated: January 23, 2006

By: 

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Attorney's Docket No. FC-03-01C01